

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Giansante	Team: Squad #5	CCRB Case #: 202100206	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/04/2021 11:12 AM	Location of Incident: vicinity of Norman Street and Forest Avenue	Precinct: 104	18 Mo. SOL 7/4/2022	EO SOL 7/4/2022	
Date/Time CV Reported Sun, 01/10/2021 1:00 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 01/10/2021 1:00 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Anthony Wright	4255	935991	104 PCT
2. POM Louis Marinacci	22579	941229	104 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS Anthony Wright	Abuse: Detective Anthony Wright stopped § 87(2)(b) [REDACTED]	
B.POM Louis Marinacci	Abuse: Police Officer Louis Marinacci stopped § 87(2)(b) [REDACTED]	
C.DTS Anthony Wright	Discourtesy: Detective Anthony Wright spoke discourteously to § 87(2)(b) [REDACTED]	
D.DTS Anthony Wright	Abuse: Detective Anthony Wright failed to provide § 87(2)(b) [REDACTED] with a business card.	
E.POM Louis Marinacci	Abuse: Police Officer Louis Marinacci failed to provide § 87(2)(b) [REDACTED] with a business card.	

Case Summary

On January 10, 2021, § 87(2)(b) filed this complaint on the CCRB website. § 87(2)(b)

On January 4, 2021, at some time between approximately 11:12 a.m. and 11:47 a.m., in the vicinity of Norman Street and Forest Avenue in Queens, Police Officer Louis Marinacci and Detective Anthony Wright of the 104th Precinct allegedly approached and stopped § 87(2)(b) (**Allegations A-B: Abuse of Authority, § 87(2)(g)**). Det. Wright allegedly called § 87(2)(b) an “asshole” (**Allegation C: Discourtesy, § 87(2)(g)**). PO Marinacci and Det. Wright allegedly failed to offer business cards to § 87(2)(b) (**Allegations D-E: Abuse of Authority, § 87(2)(g)**).

The investigation did not obtain any video footage of this incident. § 87(2)(g)

§ 87(2)(b) The officers testified that they had no recollection of the incident, and they affirmed that they would have activated their BWCs if the incident had occurred in the manner described by § 87(2)(b). The NYPD reported finding no footage from the officers’ BWCs. § 87(2)(g)

This investigation was delayed by difficulty acquiring the correct vehicle-tracking data from the NYPD.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Anthony Wright stopped § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Louis Marinacci stopped § 87(2)(b)

Allegation (C) Discourtesy: Detective Anthony Wright spoke discourteously to § 87(2)(b)

Allegation (D) Abuse of Authority: Detective Anthony Wright failed to provide § 87(2)(b) with a business card.

Allegation (E) Abuse of Authority: Police Officer Louis Marinacci failed to provide § 87(2)(b) with a business card.

§ 87(2)(b) testified (**Board Review 01**) that they were waiting in line inside a pharmacy at 6036 Myrtle Avenue in Queens, and two uniformed officers entered the pharmacy and walked past them. The officers briefly looked at § 87(2)(b) but did not otherwise interact with them. § 87(2)(b) eventually left the pharmacy, walked one block west on Myrtle Avenue, and then turned left to walk south on Norman Street. § 87(2)(b) recounted that they were walking on Norman Street when Det. Wright and PO Marinacci stopped their vehicle on a cross street in front of § 87(2)(b). § 87(2)(b) could not recall whether the cross street was Forest Avenue or Seneca Avenue. The officers exited the vehicle and approached § 87(2)(b) from which § 87(2)(b) concluded that they were being stopped and were not free to go. § 87(2)(b) heard Det. Wright say, apparently to PO Marinacci and apparently in reference to § 87(2)(b) “See if this asshole has ID.” In an initial phone statement (**Board Review 14**) § 87(2)(b) quoted Det. Wright as saying, “Where is this asshole’s ID?” Det. Wright engaged in a brief conversation with § 87(2)(b) during which Det. Wright looked at § 87(2)(b)’s identification and explained that the officers were canvassing for the perpetrator of a theft. The officers left the scene, and neither offered § 87(2)(b) a business card. § 87(2)(b) recognized Det. Wright from a prior brief

street interaction in 2020, and they read Det. Wright's shield number during the incident. They later searched a web database later and found that the shield number was associated with Det. Wright's name, which is how they provided Det. Wright's name to the CCRB.

§ 87(2)(b) variously recounted that their conversation with Det. Wright lasted approximately 3-5 minutes or 7-8 minutes.

§ 87(2)(b) made a string of Twitter posts complaining about the incident (**Board Review 07-08**). They wrote the first post at 11:51 a.m., ostensibly shortly after the incident. In the Twitter thread, they wrote, "Once again, officers from the [104th Precinct] profiled me for targeted harassment, questioning me over a theft. When I explained to them that I ran to represent this community in the State Assembly, they backed the fuck up. This is the second time this has happened this past year. I looked nothing like the suspect and just five minutes prior I noticed two officers eyeing me suspiciously at the pharmacy... Two officers scoped me out at the fucking RiteAid, watched me pay, waited to launch out their cars & accuse me of theft several blocks later." It is unclear why § 87(2)(b) indicated in the Twitter thread that the officers who allegedly stopped them were the same ones who had entered the pharmacy, as they testified to the CCRB that they could not describe the officers who entered the pharmacy.

PO Marinacci (**Board Review 02**) and Det. Wright (**Board Review 03**) both testified that they had no memory of any such incident. They were not interviewed until approximately eight months after the incident date. Both officers viewed photographs of § 87(2)(b) and were provided with a narrative of the incident, but this did not refresh their recollections. Both officers denied stopping § 87(2)(b) and failing to offer them a business card, as they stated that they would have activated their BWCs, prepared a Stop Report, and offered business cards had any such stop occurred. Det. Wright further denied calling § 87(2)(b) an "asshole," as he does not use such language with civilians.

The investigation was unable to locate any NYPD documentation associated with this incident. A review of the 911 events that PO Marinacci and Det. Wright responded to around the time of this incident (**Board Review 04**) did not indicate that the officers were responding to any larceny incidents at the time that § 87(2)(b) reported interacting with them. The NYPD confirmed that there was no record of either officer conducting a warrant search for § 87(2)(b) and the officers did not prepare memo book entries or a Stop Report documenting any stop or interaction with § 87(2)(b).

§ 87(2)(b) recalled the incident taking place around 12:30 p.m. However, based upon the timing of § 87(2)(b) first Twitter post, the investigation determined that the incident must have concluded before 11:51 a.m. A review of the 911 jobs assigned to Det. Wright and PO Marinacci showed that they were occupied until approximately 11:12 a.m., after which time they did not respond to another job until approximately 11:47 a.m. They then responded to further 911 assignments which were not near the incident location. § 87(2)(g)

§ 87(2)(b) The investigation obtained AVL GPS data tracking the location of PO Marinacci and Det. Wright's vehicle during that time frame (**Board Review 09**).

§ 87(2)(e), § 87(2)(f), § 87(2)(g)

§ 87(2)(e), § 87(2)(f), § 87(2)(g)

§ 87(2)(g)

Beginning at 11:26 a.m., the officers' vehicle drove south on Summerfield Street, turned right onto Forest Avenue, and then turned right to proceed north on Norman Avenue toward Myrtle Avenue. § 87(2)(g)

The data table shows that the vehicle drove from Forest Avenue to Norman Avenue, and then north on Norman Avenue to Myrtle Avenue, between 11:27:32 a.m. and 11:30:19 a.m. § 87(2)(g)

§ 87(2)(g)

The officers had no recollection of interacting with § 87(2)(b) and denied all of the allegations. § 87(2)(g)

§ 87(2)(b) also noted that they had interacted with Det. Wright prior to this incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 05**).
- PO Marinacci has been a member of the NYPD for 15 years and has been a subject in 14 additional

CCRB complaints and 30 allegations, of which five were substantiated:

- 201104530 involved substantiated allegations of frisk and question against PO Marinacci. The Board recommended Command Discipline and the NYPD imposed Instructions.
- 201311116 involved substantiated allegations of search of person, threat of arrest, and vehicle search against PO Marinacci. The Board recommended Charges. PO Marinacci was found not guilty of the search of person and threat of arrest allegations. He was found guilty of the vehicle search allegation, and the NYPD ultimately imposed a penalty of two vacation days.
- Det. Wright has been a member of the NYPD for 17 years and has been a subject in 23 additional complaints and 47 allegations, of which four were substantiated:
 - 201305640 involved substantiated allegations of detention and vehicle search against Det. Wright. The Board recommended Command Discipline and the NYPD imposed Command Discipline A.
 - 201311116 involved a substantiated allegation of vehicle search against Det. Wright. The Board recommended Charges, Det. Wright was found guilty, and the NYPD ultimately imposed a penalty of two vacation days.
 - 201404953 involved a substantiated allegation of vehicle stop against Det. Wright. The Board recommended Charges, Det. Wright was found guilty, and the NYPD imposed a penalty of three vacation days.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 4, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**Board Review 06**).
- § 87(2)(b)

Squad: 5

Investigator: _____
Signature Print Title & Name Date

Squad Leader: Daniel Giansante IM Daniel Giansante December 22, 2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date